

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

SAM HARGROVE, ANDRE HALL, and  
MARCO EUSEBIO, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

SLEEPY'S, LLC,

Defendant.

Civil Action No. 10-1138 (PGS)

**ORDER**

This matter comes before the Court by defendant's motion for default judgment as to "cross-claimants", I Stealth, LLC, Eusebio's Trucking, and Curva Trucking, and defendant's motion for attorney fees and costs as the prevailing party against plaintiff's ERISA claim. The Court has considered the parties' written submissions and for the reasons set forth on the record.

**IT IS** on this 27th day of April, 2012

**ORDERED** that the defendant's motion for attorneys fees and costs is DENIED (ECF No. 88); and defendant's motion for default judgment is DENIED (ECF No. 92); and it is further  
**ORDERED** that the Clerk is directed to close this case.

April 27, 2012

  
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PETER G. SHERIDAN, U.S.D.J.